

## **Minutes of Special and Regular Meeting of November 24, 2009**

City Council Chambers, One Twin Pines Lane

### **SPECIAL MEETINGS**

#### **STUDY SESSION - 6:30 P.M.**

COUNCILMEMBERS PRESENT: Feierbach, Dickenson, Lieberman, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Community Development Director de Melo, Finance Director Fil, Police Chief Mattei, Police Captain DeSmidt, General Plan Consultant Gould, City Clerk Cook.

#### **Study Session to Review the “Village Districts” Zoning Amendment Project**

Community Development Director de Melo stated that the Planning Commission has reviewed this matter in detail. The goal is to make downtown zoning more streamlined and comprehensive in advance of future development. He clarified that signage would be addressed at a future meeting, and that all of these topics would include additional community outreach, and will require public hearings.

Consultant Gould stated that rezoning as well as the creation of new zoning is the next step in the redevelopment efforts for the downtown. The goal is the creation of quality development. She noted that the work done by the Planning Commission has been very productive. She described the proposed zoning areas, and noted that there is a need for public space and a desire for village pedestrian connectivity. She reviewed the land use regulations for each type of zoning as proposed by the Planning Commission.

Consultant Gould outlined the proposed development standards, which address floor area, number of units per acre, height, parking, open space and landscaping, setbacks, and bulk. She provided sample mixed-use projects that could be built based on proposed standards. She also reviewed the design criteria, including the requirement of a management plan. She noted that City discretion is retained for design review. She outlined the exception process, and reviewed next steps, including the hearing process for rezoning.

**Kristin Mercer**, Planning Commissioner, stated that subsequent to the Planning Commission’s discussions on this matter, she reviewed the proposed document based on the City’s Vision Statement. She noted that the plan addresses the Statement, but she is concerned regarding the potential loss of distinctive community character. She also expressed concern regarding the need to emulate other cities rather than to remain unique. She noted that some small towns have maintained their uniqueness but still thrive. She expressed the need to create a buffer along El Camino Real, and to review height and setbacks throughout the downtown. She recommended finding a competitive edge and capitalizing on it.

Councilmember Feierbach stated that there is a need to create public spaces for children. She stated that the City of Campbell is a good model. She also expressed her desire that mixed-use developments contain livable space, and she cited examples in surrounding cities in which this is absent. She concurred with Commissioner Mercer that the Vision Statement should be included in the plan.

Community Development Director de Melo stated that Belmont is striving for a village theme to include ambiance, quality, and small-town feel. There is a need for vibrancy. Belmont should emulate cities based on the type of businesses it attracts, not necessarily on building structures. He noted that the proposed development standards should address the livable space issues as noted by Councilmember Feierbach. He clarified that the goal is to create clear rules and be a user-friendly document.

Discussion ensued.

Consultant Gould stated that the Planning Commission identified public open space areas.

Councilmember Dickenson cited the recent presentation at a Council of Cities meeting on a collaborative process for public outreach, which he recommends using rather than a formal approach. He noted that the vision process included a diverse representation from the community, which should not be neglected.

Councilmember Wozniak commended staff and the consultant for its efforts. She expressed the need for more pedestrian crossings along El Camino Real, and to the east side of the tracks. There may be a need to breach the rail berm in order to accomplish this. She noted that the proposed high-speed rail project could affect the proposed plans for downtown development. She concurred with Commissioner Mercer's comments. She stated she does not support buildings from other cities being constructed in Belmont. Underground parking would be ideal. She cited the downtown Redwood City plaza as an example of a successful project. She recommended the inclusion of roof gardens or public spaces on roofs. She would like more trees, and she would like to continue to explore the option of transferring density from the San Juan Canyon.

Councilmember Lieberman expressed the desire for gathering spaces. He noted that the current zoning limits or discourages the types of development that is wanted for Belmont. He also noted that the core downtown region is small. Safeway needs to be integrated into the plans. He expressed concerns regarding incremental development of small parcels, which will not achieve the goals of the plan. There is a need to coordinate small parcels.

Consultant Gould clarified that the proposed plan improves development opportunities as desired by the City.

Community Development Director de Melo stated that a more streamlined zoning document will assist with these goals. Developers will look to cities that encourage projects. Property acquisition and the new zoning document are integral. He clarified this will take time, but Belmont will be ready when the economy improves.

Discussion ensued.

Councilmember Feierbach stated that she can support four stories on El Camino Real. She noted that design is more important than specific heights.

Councilmember Dickenson stated that the number of stories will depend on each site, as some sites can support higher buildings, including areas on the east side of Highway 101.

Councilmember Wozniak stated that she cannot support three or four stories on every site, although there may be some sites that could support the height. She recommended that four stories not occur in the core downtown area. She expressed concern regarding protection of hillside views.

Consultant Gould clarified that Council is not designing buildings at this time, it is setting standards. She clarified that it is not likely that there will be large buildings constructed on small lots.

Mayor Braunstein stated that economic vitality can occur in small developments, and that good planning is the key. The proposed zoning provides parameters for development. He concurred regarding the need for outreach.

**ADJOURNMENT** at this time, being 7:45 P.M.

**Terri**

**Cook**

**City Clerk**

## **REGULAR MEETING**

**CALL TO ORDER – 8:15 P.M. (Special Joint Powers Financing and Redevelopment Meetings held prior)**

## **ROLL CALL**

COUNCILMEMBERS PRESENT: Feierbach, Lieberman, Dickenson, Wozniak, Braunstein

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Crist, City Attorney Zafferano, Human Resources Director Dino, Interim Public Works Director Borrmann, Police Chief Mattei, Finance Director Fil, Police Captain DeSmidt, Associate Planner Walker, City Treasurer Violet, and City Clerk Cook.

## **PUBLIC COMMENTS AND ANNOUNCEMENTS**

**Mary Morrissey-Parden**, on behalf of Carlmont Village Shopping Center, announced the Center's Tree-lighting ceremony on November 30<sup>th</sup>.

## **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Councilmember Feierbach stated she attended a recent Belmont-Redwood Shores School Board meeting where space issues at Cipriani School were discussed. She noted there are growing concerns regarding this issue.

Councilmember Dickenson stated that he attended a recent Council of Cities meeting. Redwood City's City Manager has advised him that the Highway 101 landscaping project will be going to bid in December. The use of reclaimed water remains an issue.

Mayor Braunstein announced the City's tree lighting ceremony at Twin Pines Park on December 3<sup>rd</sup>. He also announced the upcoming Breakfast with Santa event. He noted that the City Council would hold its reorganization meeting on December 8<sup>th</sup>. He stated that the recent nighttime football game held at Carlmont High School was successful. He also announced the opening of a new business in Belmont, the Olive Crush.

Chief Mattei stated that the football game was well attended. He noted the police department received no complaints, and congratulated the school and the students for its outreach in advance of the game.

Mayor Braunstein announced that tonight's meeting would be adjourned in memory of former Belmont Police Commander Larry Riche, who recently passed away.

### **AGENDA AMENDMENTS**

Councilmember Wozniak stated that there was a need to add an urgency item to tonight's agenda. She is requesting to be officially appointed to the Peninsula Cities Consortium, related to the high-speed rail issue. She noted this issue arose after the posting of the agenda, and action needs to take place prior to the next Council meeting.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, and unanimously approved by a show of hands to add an urgency item to tonight's agenda (under Intergovernmental Reports) to consider an appointment to the Peninsula Cities Consortium.

Councilmember Dickenson requested the removal of Consent Items 4-C, 4-D, 4-E and 4-F (Update Regarding Highway 101 Bike/Pedestrian Bridge, and related resolutions approving professional service agreements to TY Lin and S&C Engineering) for separate consideration.

### **ITEMS APPROVED ON CONSENT CALENDAR**

**Approval of** Minutes of Special and Regular Meeting of October 27, 2009

**Acceptance of** Informational Report on Sewer Pump Station Conditions

**Approval of** Resolution 10187 Approving Specifications, Authorizing Advertisement for Sealed Bids, Approving Award of Purchase to the Lowest Responsible Bidders for the Replacement of Police Patrol Vehicle P5, Police Patrol Vehicle P6 and One Additional Police Hybrid Vehicle for an Amount not to Exceed \$95,500

**Approval of** Resolution 10188 Amending Resolution No. 10183 Increasing Authorized Bond Principal to \$8.5 million (2009 Sewer Treatment Facility Bonds)

**Approval of** Resolution 10189 Accepting a Sobriety Checkpoint Mini-Grant from the Office of Traffic Safety in the Amount of \$11,010

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved, as amended, by a show of hands.

### **ITEMS REMOVED FROM CONSENT CALENDAR FOR SEPARATE CONSIDERATION**

Councilmember Dickenson expressed concerns that many expenditures have been made to TY Lin International over the past few years.

Interim Public Works Director Borrmann described the need for the support services that will be provided by TY Lin International. She noted that this company designed the bike/pedestrian bridge, and Cal Trans is requiring them to be used for design support and other services during the construction phase of the project. She noted that the City has recently hired a project manager who will provide day-to-day oversight. She noted that increased expenses will incur if this project is not expedited, because it is being funded by the federal stimulus program.

In response to Council questions, Interim Public Works Director Borrmann clarified that the details of the proposals for management services were analyzed and were found to be appropriate. City Manager Crist stated that staff can request additional justification for some of the charges, and he clarified that it is not unusual for overhead to be higher than labor.

Councilmember Feierbach noted that staff would be providing periodic status reports of this project, and Council would be able to monitor expenditures.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, and unanimously approved by a show of hands to approve the following actions, said motion to include the forwarding of a monthly update report to Council, and receipt of additional information regarding overhead charges.

**Acceptance of** Update Regarding Financial Information Related to the US 101 Bicycle/Pedestrian Bridge Project, City Contract Number 433

**Approval of** Resolution 10190 Waiving the Competitive Purchasing Policy and Authorizing the City Manager to Execute an Agreement for Professional Services with TY Lin International, Inc. for an Amount not to Exceed \$300,000 and Authorizing a Contingency of \$30,000 for Design Support during Construction for the U.S. 101 Pedestrian/Bicycle Bridge Project, City Contract Number 433

**Approval of** Resolution 10191 Authorizing the City Manager to Execute Amendment Number 9 to the Professional Services Agreement with TY Lin International, Inc. for an Amount not to Exceed \$130,000 for Final Design and Permitting Support for Approval of the U.S. 101 Pedestrian Bicycle Bridge Project, City Contract Number 433

**Approval of** Resolution 10192 Authorizing the City Manager to Execute a Professional Services Agreement for Construction Management Services with S&C Engineering, Inc. for an Amount not to Exceed \$1,150,000 and a Contingency of \$115,000 for the U.S. 101 Bicycle/Pedestrian Bridge Project, City Contract Number 433

## **HEARINGS**

### **Public Hearing to Consider an Extension to Urgency Ordinance 1046 Pursuant to Government Code Section 65858(A) Imposing a Moratorium on New Billboard Structures Within the City of Belmont**

City Attorney Zafferano noted that the City's existing sign ordinance has been under review by the Planning Commission, and will be coming to the Council for consideration in early 2010. An urgency ordinance was adopted by the City Council on November 10<sup>th</sup>, which provided a 45-day window in which to adopt a new sign ordinance. The urgency ordinance needs to be extended, as the 45-day window does not allow sufficient time to enact a new sign ordinance. He noted that

the new urgency ordinance provides for a one-year moratorium, but this amount of time is not likely needed, as a new sign ordinance should be in effect before that deadline. He clarified that no new applications for billboards are pending.

Mayor Braunstein opened the Public Hearing. No one came forward to speak.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Wozniak, the Public Hearing was unanimously closed by a show of hands.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, Ordinance 1047 Extending Urgency Ordinance 1046 Pursuant to Government Code Section 65858(A) Imposing a Moratorium on New Billboard Structures Within the City of Belmont was unanimously approved by a show of hands.

City Clerk Cook noted that this ordinance goes into effect immediately and does not require a second reading.

## **OLD BUSINESS**

**Resolution Authorizing the City Manager to Complete the South Bayside Waste Management Authority (SBWMA) Household Hazardous Waste (HHW) Application and for the City of Belmont to Participate in the Household Hazardous Waste, Universal Waste, Electronic-Scrap, Sharps and Medicine Door-to-Door Collection, Recycling and Disposal Services with Curbside Inc.**

City Manager Crist noted that the City's goal is to reduce household waste, including e-waste. The South Bayside Waste Management Authority (SBWMA) negotiated a contract with Curbside, Inc., for on-site/on-demand household waste disposal for residential unit. The cost will be included in the new franchise agreement. He noted that staff and the Infrastructure Committee are recommending adoption of this contract.

**Cliff Feldman**, SBWMA, clarified that this agreement provides for pickup service directly from the customer, not from the curbside. Specific destination of the materials will depend on the type of waste that is collected. It is an on-call process and includes many household materials such as paint and motor oil. He noted that these materials can be recycled now, but the new procedure will make it easier. He clarified that there may be a need to determine whether or not to continue to provide drop-off locations, and it will depend on the need. He described the reasons for the need for a two-week wait to collect the material once a call is made, and clarified that cost drives this timeline. He described how the collection would be handled, and confirmed that no materials are to be left at the curb, as they would be picked up in a secure location.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Lieberman, Resolution 10193 Authorizing the City Manager to Complete the South Bayside Waste Management Authority (SBWMA) Household Hazardous Waste (HHW) Application and for the City of Belmont to Participate in the Household Hazardous Waste, Universal Waste, Electronic-Scrap, Sharps and Medicine Door-to-Door Collection, Recycling and Disposal Services with Curbside Inc. was unanimously approved by a show of hands.

## **NEW BUSINESS**

### **Police Annual Report**

Police Chief Mattei stated that the police department has worked well with the community for many years. People need to feel safe in their own homes, and a sense of community is important. He outlined a number of important programs that are in use through the police department. The department addresses issues and problems on a daily basis. It makes use of problem-solving techniques, as there is no one solution for every issue. The need to listen is important. Each case is investigated. Process and procedures need to be followed for liability reasons. He noted that a recent community forum was sponsored by the police department as a way to address outreach, and to hear directly from the community. There is always a need to look for the source of a problem in order to find a solution.

Police Captain DeSmidt reviewed the department's organizational chart. He noted that nine police employees are eligible to retire at this time. The department is providing training and leadership as part of its succession plan. Some positions and vacancies are frozen due to budget issues. He provided an overview of programs offered by the department. He noted that the red light camera program will be going into effect soon, as Cal Trans has finally given its approval. The department is working now with PG&E to obtain power for the system. He reviewed the various communication tools being used by the department, including the new use of Twitter.

Police Lieutenant Halleran provided call volume, response and crime statistics.

Police Lieutenant Daley stated that traffic and parking are the most common complaints. He described approaches for addressing traffic issues, and noted that the goal is to change driving behaviors. Parking challenges exist in Belmont, especially in the residential neighborhoods. He noted there has not been a traffic fatality in 2009.

In response to Councilmember Wozniak, Chief Mattei clarified that only juveniles are housed at the Hillcrest facility.

In response to Councilmember Feierbach, Chief Mattei noted that staff could provide data regarding smoking complaints.

Councilmember Dickenson thanked Chief Mattei, Captain DeSmidt, and Lieutenants Halleran and Daley for their many years of service. He stated he is proud of the police department. He asked the City Council to consider public safety when addressing future budget issues. He noted the changes at Motel 6 that have resulted from outreach by the police department. He recommended the consideration of sharing services with neighboring cities, including sharing dispatch with the City of San Carlos. Issues that existed in the Sterling Downs neighborhood have been abated, and issues at some local businesses diffused.

Councilmember Lieberman stated he went on a ride-along. Belmont is well served by the department. The level of communication is outstanding. He noted that the department leads from the top and receives accolades for doing so.

Mayor Braunstein stated that residents commended the department for the information it received during the recent community forum. The department serves at the pleasure of the community, and it is willing to embrace suggestions. He expressed support for expansion of the National Night Out program. He is concerned about people who are leaving garages open and doors unlocked. He encouraged the community to become involved in CERT (Community Emergency Response Team) and to take advantage of a ride-along.

Councilmember Wozniak stated she appreciates the work of the department and noted it serves the community in a thoughtful way.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmember Wozniak described the recent City Hall tour and mock City Council meeting that a group of second graders from Nesbit School participated in. She stated they asked very good questions and were well prepared for their mock meeting. She noted that there was a good presentation at a recent Council of Cities meeting regarding community outreach. She provided an update on the Peninsula Cities Consortium related to the high-speed rail project.

## **URGENCY ITEM ADDED UNDER AGENDA AMENDMENTS**

### **Consideration of Appointment to the Peninsula Cities Consortium for High-Speed Rail**

Councilmember Wozniak noted that the goal of this organization is to increase involvement in the high-speed rail proposal. She is seeking support to draft a letter to Congresswoman Eshoo for financial assistance in the Consortium's work. She needs authority to vote on issues, and she clarified that this has no monetary impact, nor staff commitment.

Councilmember Dickenson expressed concern that future issues could have a financial impact.

Councilmember Wozniak clarified that there are only five member cities on the Consortium, and the goal is transparency. The Consortium does not support the pending lawsuit, nor is it in support or denial of the high-speed rail project. It is vetting issues only, and hopes that the existing right-of-way will be utilized for any future rail improvements. She noted that the Consortium follows all Brown Act regulations and Roberts Rules of Order.

City Attorney Zafferano clarified that the Consortium is addressing procedural matters and is obtaining information. It has support from other elected officials and is performing public outreach. It is considering rail alternatives and is not seeking staff time or monetary authority.

**ACTION:** On a motion by Councilmember Dickenson, seconded by Councilmember Feierbach, and unanimously approved by a show of hands to appoint Councilmember Wozniak as a voting member of the Peninsula Cities Consortium for High-Speed Rail.

## **INTERGOVERNMENTAL UPDATES, continued**



Councilmember Dickenson stated that he had requested a special Belmont Fire Protection District meeting to address the funding formula. He noted there was no agreement with the Mayor to call a special meeting. He noted this is a sensitive issue and time is of the essence.

Councilmember Feierbach provided an update on the Economic Development Subcommittee. She described recent Grand Boulevard presentations, and that the Redevelopment Agency would be adopting a new five-year plan. She noted the opening of a new business in Belmont, Godfather's Burgers, and there may be another new market/restaurant to open.

Councilmember Lieberman thanked Councilmember Dickenson for his service on the Belmont-San Carlos Fire Commission. He outlined the recent discussion surrounding the force main issue at the South Bayside System Authority. He noted the Technical Advisory Committee concurs that Belmont's argument regarding the allocation of funding could be valid, and is likely to result in savings to Belmont.

### **Resolution Opposing State Water Diversion Policy and the California Peripheral Canal**

Councilmember Dickenson noted that SB1 (Senate bill) has passed. He recommended that the City Council adopt the proposed resolution and forward it to other cities for their consideration. He noted that energy is used to transport water to southern California. There is a need for a conservation plan.

**Mary Morrissey-Parden**, on behalf of the Belmont Chamber of Commerce, noted that water rates for dry cleaners in Northern California are higher than those in the south. She described the recycled water program in use in Redwood Shores, and suggested that recycled water be diverted to southern California. She also recommended looking into desalinization.

Councilmember Dickenson stated that reclaimed water is a complex issue and is not cost-effective to move.

Councilmember Feierbach stated there is a potential for future water shortages, and she supports the resolution.

Councilmember Dickenson clarified that now that the legislation has passed, a future bond is likely. The proposed resolution draws attention to this matter, if many cities take similar action. He does not support paying for poor urban planning. He commented that Sacramento panders to the Los Angeles area. This is a long-standing issue.

Councilmember Lieberman expressed his appreciation for the efforts in bringing this resolution forward for consideration. He noted that it was not accompanied by a staff report and contains inflammatory comments regarding the Governor, as well as subjective verbiage. He will abstain from voting as he does not have enough information to support the resolution.

Councilmember Dickenson stated that staff provided the verbiage for the resolution, and video is available of the Governor making the disparaging remarks outlined in the resolution.

**ACTION:** On a motion by Councilmember Feierbach, seconded by Councilmember Wozniak, Resolution 10194 Opposing State Water Diversion Policy and the California Peripheral Canal was approved by a show of hands (4-0-1, Lieberman abstain).

**Verbal Report from City Manager**

City Manager Crist stated that the League of California has made a request to make a presentation to the City Council at an upcoming meeting.

**ADJOURNMENT** at this time, being 10:30 P.M. in memory of retired Police Commander Larry Riche.

**Terri**

**Cook**

**City Clerk**

Meeting Tape Recorded and Videotaped  
Audio Recording 741